

WILMERHALE

April 15, 2019

Daniel P. Kearney

Via ECF

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The Honorable Thomas I. Vanaskie
JAMS, Inc.
1717 Arch Street, Suite 3810
Philadelphia, Pennsylvania 19103

Re: *CFPB v. Navient Corp., et al.*, Case No. 3:17-CV-00101-RDM (M.D. Pa.)

Dear Judge Vanaskie:

Pursuant to the Special Master's direction during the April 9, 2019 status conference, Navient respectfully submits this letter report regarding the status of the CFPB's request for a call sample.

Despite Navient's repeated requests that the CFPB focus on the current ININ system, which holds calls from 2014 to the present, almost 80 percent of its request seeks calls from the legacy systems, even for years where ININ was in use. In fact, the CFPB has requested an even greater percentage of calls from the legacy systems in its final sample than in its pilot sample. In addition, the CFPB seeks hundreds of call recordings from years where the recordings are unlikely to exist, requiring Navient to search for the absence of calls, rather than for actual recordings. The CFPB is aware of these limitations because we have described them several times since the CFPB first made its request for calls. During a meet-and-confer last week, the CFPB declined to explain why its request seeks calls that are unlikely to exist and focuses on calls from the legacy systems.

Although the CFPB's request is needlessly burdensome, Navient is currently working to pull the requested recordings before the close of discovery. Given the volume of calls requested, and the time expended to pull the pilot sample, Navient would expect production to take more than ten weeks with the same level of resources. Navient is committed, however, to closing discovery on June 7 and therefore has developed a plan and added resources, with an aim to complete production before that date.

Sincerely,

Handwritten signature of Daniel P. Kearney in black ink, with the initials "NB" at the end.

Daniel P. Kearney